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COMMITTEE ON FOREIGN AFFAIRS AND SECURITY

Subcommittee on Human Rights

NOTICE TO MEMBERS

Re: East Timor

Members will find attached, for information, a background note on East Timor prepared by Mr Barry Phillips, a 'stagiaire' with the 'Human Rights Unit', in view of the forthcoming public hearing on 'Respect for human rights in East Timor'.

DIRECTORATE GENERAL FOR COMMITTEES
AND DELEGATIONS

Annex

11 February 1992

EAST TIMOR

INTRODUCTION

One of the world's poorest, least-developed areas, East Timor is perched on the eastern end of the Indonesian archipelago. It is situated 2,090 kilometres from Jakarta, capital of Indonesia, and 560 kilometres from the north west coast of Australia. Its 18,900 square kilometres feature a mountainous interior, several fertile valleys, an extensive coastal plain in the south, and some tropical vegetation. These geographical contrasts, together with climatic conditions characterised by the monsoon season settling over most of the island from November to April and a dry season between May and October, permit the cultivation of small amounts of corn and root crops for local use, and a limited amount of coffee and sandalwood for export.

Culture and language

The island's history of migration has resulted in a rich diversity of cultures among its estimated 600,000 people. Professor Shepard Forman noted of East Timor's population that: 'It manifests an ethnic heterogeneity which characterises the entire region from the Philippines to Australia and from the islands east of Papua New Guinea to the Malagasy Republic.' (Testimony before the U.S. Congress, 28 June 1977 "Human Rights in East Timor.")

This collection of cultures not surprisingly has provided for diversity in language. Aside from the old colonial language of Portuguese there are more than thirty distinct ethnic languages in East Timor, with Tetum being spoken and understood in most parts of the island.

Claim to the island of Timor

Possession of the island of Timor was long disputed by the Dutch and Portuguese colonial powers, a conflict not fully resolved until the "Sentence Arbitral" of 1913. After the withdrawal of the Dutch from Indonesia in 1949 the west of the island became part of the Republic of Indonesia. Claim to the east has been disputed since the intervention of Indonesian troops following the civil war in East Timor in 1975.

History of East Timor

Portuguese navigators arrived on the island of Timor in the sixteenth century. During the following two centuries Portuguese influence was mainly confined to missionary activities. It was not until early in the eighteenth century that the Portuguese established a seat of government on the island, but owing to their weak military presence and resistance by the Timorese, effective control of the island was possible only as late as the middle of the nineteenth century.

This control, however, was not consolidated by the Portuguese, since a decline in economic conditions and widespread political discontent prompted a series of Timorese rebellions preventing effective Portuguese administration of the territory until the beginning of World War I.

The territory was to suffer greatly during World War II, when fierce fighting broke out between the Japanese and the Allied forces of the Australian and Netherland Indies troops. East Timor witnessed the deaths not only of many combatants, but also of thousands of Timorese civilians who perished, first at the hands of the Japanese, and then as a result of Allied bombing in numbers that prompted the comment that East Timor was 'one of the great catastrophes of World War II in terms of relative loss of life'.

Post war East Timor experienced an improvement in its economy and relative political stability, with the exception of a rebellion in 1959 which was swiftly dealt with by the Portuguese administration.

The Civil War in East Timor 1975

It was the political circumstances of Portugal and not its colony that were to dictate East Timor's future in the 1970's. The coup in Portugal by the Armed Forces Movement on April 25 1974 precipitated the formation of a number of new political parties in East Timor opposed to Portuguese rule. Two of the most prominent were the Timorese Democratic Union (UDT) and Fretilin (Frente Revolutionaria de Timor-Leste Independente). After initially forming a coalition, the U.D.T., concerned by rumours allegedly propagated by Jakarta that Fretilin was infiltrated by communists, and was planning a coup, sought to pre-empt such a move, by securing control of key installations in the territory in early August 1975.

An indication of the motives of the U.D.T can be seen from a message communicated by their 'commander in chief' Joao Carascalao. He stated: 'We want to be independant but only when we can see that we can support ourselves. We definitely want linkage with Portugal because we need their help, technically and financially, plus the fact that the Portuguese language is spoken throughout the island'.

Within days counter measures by Fretilin led to the outbreak of bitter fighting. With superior numbers and equipment Fretilin troops gained de facto control of the colony in little more than three weeks.

On November 28 Fretilin unilaterally declared East Timor an independent state. Fretilin has described itself as 'being based on the universal doctrines of socialism and democracy', and as standing for the 'right to independence (progressive autonomy with a view to independence)', and for the 'rejection of colonialism and to counter measures against neo-colonialism'.

The intervention of Indonesia in East Timor

Just a short while after Fretilin's declaration of independence, Indonesia had begun military manoeuvres across the border from West to East Timor. These initial miliary operations were met by fierce Timorese resistance. This did not, however, prevent a number of atrocities carried out by Indonesian soldiers, including the execution of five Australian television reporters at Balibo in October 1975.

The main Indonesian attack on the Timorese capital [illegible] on 7 December 1975. Hamish McDonald described it as follows: 'It turned out to be a very clumsy exercise which caused great civilian suffering ...The first operational test of the new integrated armed forces command structure, it was marked by

poor co-ordination and showed up serious deficiencies in the discipline, training and equipment of some of Indonesia's best units. Kostrad (the Strategic Reserve Command) Eighteenth Brigade paratroops were dropped on top of the Fretilin forces withdrawing from the town, instead of behind to block off the retreat. After taking heavy casualties from Fretilin, the paratroops then came under fire from an Indonesian marine force driving inland. The remnants of the paratroops then rampaged through the town, killing and looting at random.' ('Suharto's Indonesia'(Melbourn, 1980)).

James Dunn described the effect of the assault on Dili as follows: 'Hundreds of Timorese and Chinese were gunned down at random in the streets of Dili....A number of public executions were carried out by Indonesian troops... One of the most bizarre and gruesome of these atrocities occurred within 24 hours of the invasion and involved the killing of about 150 people. This shocking spectacle began with the execution of more than 20 women who, from various accounts, were selected at random. The women were led out to the edge of the jetty and shot one at a time, with the crowd of shocked onlookers being forced at gun point to count aloud as each execution took place.' ('Timor: a people betrayed', Jacaranda Press, 1983.)

The Indonesians brought in substantial reinforcements to quell the fierce Fretilin resistance. During 25 and 26 December 1975 landings were made at Liquica and Maubara which led to mass killings of the civilian population. By April 1976 intelligence reports in Australia estimated that there were some 32,000 Indonesian troops in East Timor, with another 10,000 in the western half of the island.

The atrocities committed in Dili, Maubara and Liquica resulted in entire populations of neighbouring towns and villages abandoning their homes to move to safe areas behind Fretilin lines. The displacement of as many as half a million people with limited food and medical supplies was to have a profound effect on the Timorese population which according to many human rights organisations was as a result seriously reduced as a result of malnutrition and starvation.

After the intervention, a provisional government was set up by the Indonesians under Arnaldo dos Reis Araujo. In July 1976 Indonesia unilaterally declared East Timor its 27th province.

The intervention and international law

Indonesia is subject to a body of international law that provides, inter alia, for the right to self-determination. This is mentioned in the first Article to the United Nations Charter of 1945 and, in Article 1 of both of the International Covenants on Human Rights. Self-determination is defined as the collective right of peoples 'to freely determine, their political status and freely pursue their economic, social and cultural development'. (International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200 A XXI, Dec. 16 1966; and the International Covenant on Civil and Political Rights, G.A. Res. 2200 A XXI, Dec. 16, 1966.)

Although Indonesia has not ratified either of the International Covenants, as they are now considered to be part of customary international law, they must now be expected to comply with the rights documented in those international treaties.

1ST U.N. RESOLUTION ON TIMOR (EAST):
12. DEC. 1975

The United Nations response to the intervention

Guided by these international standards the United Nations on December 12 1975, eight days after the Indonesian intervention, adopted a resolution which expressed 'deep concern at the critical situation resulting from the military intervention of the armed forces of Indonesia in Portuguese Timor.' The resolution strongly deplored Indonesia's military intervention, and called on the occupying country to 'desist from further violations of the territorial integrity of Portuguese Timor and to withdraw without delay its armed forces from the territory, in order to enable the people of the territory freely to exercise their right to self determination and independence'.

The resolution also asked the Security Council to take immediate action to 'protect the taritorial integrity of East Timor to self-determination and independance.'

2ND RESOLUTION

The Security Council adopted shortly afterwards a resolution which recognised 'the inalienable right of the people of East Timor to self-determination and independance'. It also asked Indonesia 'to withdraw without delay all its forces from the territory'. The Secretary-General was requested 'to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the territory and all States concerned in order to ensure the implementation of the present resolution.'

The government of Indonesia reacted defiantly to the United Nations' action. Foreign Minister Adam Malik denied that there were any troops in East Timor to withdraw, and that anti-Fretilin forces were being supported by 'volunteers'.

In accordance with the terms of the Security Council resolution, the Secretary General despatched a U.N special envoy to make an on-site investigation of the situation. Since he was allowed only restricted access on East Timor he was to conclude 'any accurate assessment of the situation in East Timor remained elusive'. The envoy's report was considered by the Security Council in April 1976 resulting in Resolution 389 which called upon all states to respect the territorial integrity of East Timor and reaffirmed the rights of the people of that country to self determination and independence.

3RD RESOLUTION: NO. 389 APRIL, 1976)

Since 1975 the General Assembly has passed a number of resolutions condemning Indonesia's intervention. In June 1989 the UN Special Rapporteur on Torture, Mr Kooijmans, informed Indonesia of allegations of torture and ill-treatment of persons being held in a number of military establishments in East Timor in 1988 and 1989. That same year the U.N Sub-Commission on the Prevention of Discrimination and the Protection of Minorities passed a resolution regretting the reported increase in executions and torture, and noting the call for a referendum by East Timorese Bishop Belo. Indonesia was requested to allow human rights organisations to visit East Timor. The following year a joint U.N-Portuguese delegation to Timor was cancelled after Indonesia refused entry to an Australian journalist, on the grounds that 'she is not a journalist but a propagandist for the Fretilin movement'.

Reports of recent human rights violations in East Timor

In October 1990 Amnesty International described the human rights situation in

East Timor as follows: 'The Torture and and ill-treatment of alleged political opponents held in military and police detention centres has been a consistent feature of Indonesian rule in East Timor since 1975.....Over the past two years Amnesty international has documented a pattern of short-term detention, ill-treatment and torture of real and suspected political opponents of Indonesian rule in East Timor. Many of those detained over the past year have been young people and students detained for their alleged participation in a series of apparently peaceful demonstrations in support of East Timor's independance, which began in October 1989 during the visit of Pope John Paul II. The forms of torture reported include submersion in tanks of foetid water, electrical shocks, beatings and death threats.' (AI Index: ASA 21/10/90).

The massacre in East Timor, November 12 1991

On 12 November 1991 estimates ranging from 75 to 200 people were killed when Indonesian troops opened fire on demonstrators and mourners at a cemetery in Dili. Asia Watch, in a report on the tragedy, stated: 'The killings have sparked off two very different public versions of events. Foreign eyewitnesses, all of whom were at or near the Santa Cruz cemetery when Indonesian troops opened fire, report that a peaceful march to commemorate the death of a pro-independence activist, Sebastiao Gomes, had ended at the cemetery and people were milling about when, without warning or provocation, Indonesian troops began shooting into the crowd. The Indonesian government version is that elements of Fretilin.....deliberately organised a mass political demonstration using the pretext of a mass for Gomes to do so, stabbed an Indonesian army officer, then lobbed a hand grenade into the crowd, causing the Indonesian army to open fire in self-defense.' (Asia Watch 'East Timor: The November Massacre and its Aftermath.' 12 December 1991, Vol. 3 No. 26.)

International reaction

In response to this atrocity the European Community Foreign Ministers issued a statement condemning the killings on 12 November. The European Parliament on 21 November adopted a resolution, stating: 'The European Parliament...condemns the brutal murder of these latest victims of Indonesia"s illegal occupation of East Timor and denounces the very serious violations of the most fundamental human rights.'

On 2 December, European Community Foreign Ministers in Brussels called for a 'thorough and credible investigation by impartial and independent experts' and stated that a review of economic cooperation urged by the European Parliament would take place.

The Parliamentary Assembly of the Council of Europe on 25 November passed Order No. 470 calling on the Indonesian government to 'withdraw the armed forces from the territory of East Timor so that the governing authority can fulfil the mandate recognised by the United Nations and create the political conditions necessary for the free exercise of the right to self-determination.'

The Council of Europe also called for a 'detailed, impartial and internationally supervised inquiry into the killing' as well as an arms embargo on Indonesia and a suspension of all military support for the country.

Strong protests came from most West European capitals with the Netherlands postponing all new development assistance to Indonesia. The United States called in the the Indonesian Ambassador, Abdul Rachman Ramly, to convey deep concern over the massacre and sent a team of investigators to Dili on 15 November. The party returned on 17 November, concluding that that death toll was probably somewhere between 75 and 100 and not 19 as claimed by the Indonesian government. On 25 November, 51 US Senators joined Wyoming Senator Malcolm Wallop in writing a letter to President Bush urging stronger U.S. action against Indonesia in the light of recent human rights violations in East Timor.

In Canada, the Secretary for External Affairs, Barbara McDougall, stated that Canada's $52 million aid program would be reviewed.

The then Australian Prime Minister Bob Hawke condemned the events calling for a genuine and through inquiry into the atrocities and punishment for those responsible.

Portugal condemned the killings and further criticised on 19 December 1991 the Indonesian-Australian oil production contracts planned for the Timor gap. These contracts involve 12 companies for the exploitation of oil in the Timor sea, rights to which have been disputed by Portugal before the International Court of Justice.

The cost to the Timorese of the Indonesian intervention

Assessing the cost to the Timorese of the intervention of Indonesia is a diificult task. For many years after the intervention of Indonesian troops East Timor was sealed off to most outsiders while the military wore down the guerillas. Malnutrition was widespread. Farm production was all but halted and for a time East Timor faced mass starvation. It was averted by emergency supplies provided by relief organisations, although it is claimed that many more lives could have been saved if this assistance had been allowed into the region sooner by the Indonesian Government.

The death toll from disease, starvation and war is difficult to assess. Amnesty international stated in 1985 that it may amount to as many as 200,000 lost lives.